

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT  
OF MISSOURI, EASTERN DIVISION**

**SHERRY BINGAMAN**

**Plaintiff,**

**v.**

**GERALD L. THORNTON**

**Serve:**

**3085 Barrycrest**

**Memphis, TN 38184**

**and**

**GREYHOUND LINES, INC.**

**Serve:**

**Registered Agent:**

**CT Corporation Systems**

**120 South Central Avenue**

**Clayton, MO 63105**

**Defendants.**

**Case No.**

**Division:**

**JURY TRIAL DEMANDED**

**COMPLAINT**

COME NOW Plaintiff, Sherry Bingaman, by and through counsel, and for her cause of action against Defendants states as follows:

1. Plaintiff is a resident and citizen of the State of Missouri, and resides in St. Francois County, Missouri.
2. Defendant Gerald L. Thornton, is a citizen of the State of Tennessee, and at all times pertinent herein, was an employee, servant, agent, apparent or otherwise, for Defendant Greyhound Lines, Inc.
3. Defendant Greyhound Lines, Inc., is a Texas Corporation, with its principle place of business in Dallas, Texas.

4. Plaintiff has incurred damages in the excess of Seventy-Five Thousand Dollars (\$75,000.00), and therefore this court has original jurisdiction pursuant to 28 U.S.C. §1332.

5. That at all times pertinent herein, US Highway 67, in Wayne County, Missouri, was an open and public street and highway.

6. That on or about December 8, 2005, Defendant Thornton was operating a passenger bus while in the course and scope of his employment, servitude, and/or agency with Defendant Greyhound Lines, Inc., at which time Plaintiff was a passenger on said bus, at which time Defendant was traveling southbound on US Highway 67, at which time Defendant Thornton lost control of his vehicle striking another vehicle and leaving the roadway.

7. Defendant Thornton was negligent and failed to exercise the highest degree of care in one or more of the following respects

- a. Defendant Thornton drove at an excessive rate of speed;
- b. Defendant knew that a use of the highest degree of care should have known that there was a reasonable likelihood of a collision and time thereafter to have stopped or swerved or slackened speed, or slackened speed and swerved, but Defendant failed to do so;
- c. Defendant failed to keep a careful lookout;
- d. Defendant failed to yield the right of way;
- e. Defendant's vehicle came into collision with the rear of another vehicle.

8. Such negligence of Defendant Greyhound Lines, Inc., by and through Defendant Thornton, in one or more of the following respects made above directly caused or directly contributed to cause Plaintiff to sustain injuries to her head, neck, back, face,

bi-lateral arms and shoulders; Plaintiff was caused to suffer pain, discomfort, and mental anguish and her ability to enjoy ordinary pursuits of life have been impaired and diminished.

9. As a direct result of foresaid occurrence and injuries, Plaintiff has been caused to undergo medical care and treatment and incur expenses related thereto, and will require to undergo further such reasonable and necessary care and treatment and related expenses in the future.

WHEREFORE, Plaintiff Sherry Bingaman, prays for judgment against Defendants in such amount in excess of Seventy- Five Thousand Dollars as is fair and reasonable together with her costs herein expended and for such further and other relief which may be just and proper.

Respectfully submitted,

KOLKER & GERMEROTH, LLC

/s/ Thomas P. Germeroth

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